IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 15318 of 2004

Between:

Gorantla Veeraswamy, S/o.Babaiah,
Paragaticherla Village, Hamlet of Machavaram,

Rompicherla Mandal, Guntur Dist.

..... PETITIONER

AND

1 The MRO., Rompicherla, Guntur Dist.
2 The District Collector, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from Ac.2.00 of dry land situated in Sy.No.61/3 of paragaticherla village hamlet of Machavaram, Rompicherla Mandal, Guntur District high handedly without following the procedure contempleted under law as being illegal, unjust, arbitrary and voilative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO, Advocate

Counsel for the Respondents: Govt. Pleader for REVENUE

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioner and also learned Government Pleader for Revenue.

Rule Nisi.

Petitioner claims to be in possession of 2 acres of land in Sy.No.61/3 of Paragaticherla Village, Rompicherla Mandal, Guntur District for the last 25 years and in evidence of the same he filed revenue receipts from the year 1984 onwards. The only grievance of the petitioner is that respondents are trying to dispossess him from the land for providing the same to burial ground without issuing any notice.

It is well settled that writ of Mandamus cannot be issued on the contemplated action. However, the Courts have observed that even the encroacher is also entitled to notice before he is evicted from the land in his occupation. It is needless to add for removing the encroachments of the petitioner, respondents shall have to follow due procedure before evicting him from the petition schedule property.

The writ petition is accordingly disposed of.

_____ A.GOPAL REDDY, J.

27-08-2004

Note: Issue CC by Monday

(bo)

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Rompicherla Mandal, Guntur District.
2 The District Collector, Guntur.

3 Two CCs to the Govt. Pleader for Revenue, High Court

Buildings, Hyderabad (OUT)

4 Two CD copies